

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-cv-00878-TDS-JEP**

DEMOCRACY NORTH CAROLINA; NORTH
CAROLINA BLACK ALLIANCE; LEAGUE OF
WOMEN VOTERS OF NORTH CAROLINA,

Plaintiffs,

v.

FRANCIS X. DE LUCA, in his official capacity
as CHAIR OF THE STATE BOARD OF
ELECTIONS; STACY EGGERS IV, in his
official capacity as SECRETARY OF THE
STATE BOARD OF ELECTIONS; ROBERT
RUCHO, in his official capacity as MEMBER OF
THE STATE BOARD OF ELECTIONS; JEFF
CARMON III, in his official capacity as
MEMBER OF THE STATE BOARD OF
ELECTIONS; SIOBHAN O'DUFFY MILLEN, in
her official capacity as MEMBER OF THE
STATE BOARD OF ELECTIONS; SAM
HAYES, in his official capacity as EXECUTIVE
DIRECTOR OF THE STATE BOARD OF
ELECTIONS; NORTH CAROLINA STATE
BOARD OF ELECTIONS,

Defendants,

and

PHILIP E. BERGER, in his official capacity as
PRESIDENT *PRO TEMPORE* OF THE NORTH
CAROLINA SENATE; and DESTIN C. HALL in
his official capacity as SPEAKER OF THE
NORTH CAROLINA HOUSE OF
REPRESENTATIVES,

Intervenor Defendants.

**PLAINTIFFS' PRETRIAL
DISCLOSURES**

Pursuant to the Court’s August 22, 2024, Notice (Dkt. 95), June 4, 2025, Notice to Counsel (Dkt. 139), and Federal Rule of Civil Procedure 26(a)(3), Democracy North Carolina, North Carolina Black Alliance, and League of Women Voters of North Carolina (“Plaintiffs”) hereby submit the following Pretrial Disclosures. Plaintiffs reserve the right to amend and supplement these Pretrial Disclosures, and to respond to Defendants’ Pretrial Disclosures, as appropriate. Plaintiffs also reserve the right to supplement or modify these disclosures based on the Court’s rulings on any outstanding issues.

I. WITNESSES

Plaintiffs’ Witness List, identifying each witness that Plaintiffs expect to present at trial and may call if the need arises, is set forth in **Appendix A**, attached.

Plaintiffs reserve the right to call any witness on the witness lists of State Board Defendants or Legislative Defendants (together “Defendants”) and any witness called by Defendants. Plaintiffs reserve the right to supplement, amend, or otherwise modify this list or call as a witness during trial, as necessary and as permitted by the rules and orders of the Court, including—but not limited to—the following: witnesses that are necessary to lay the foundation for the admissibility of evidence, should the parties be unable to stipulate to admissibility; witnesses to counter surprise by another party; witnesses to cure any objection to any exhibit; and witnesses for the purposes of rebuttal or impeachment. This list is submitted subject to, and without waiver of, any and all appropriate objections to discovery.

In the event that a non-party witness who has been deposed and subpoenaed for trial fails to appear, Plaintiffs reserve the right to request that their testimony be presented via

their deposition. Additionally, pursuant to agreement between the parties, Plaintiffs reserve the right to submit deposition testimony in lieu of live testimony for any witness where all parties agree to the utilization of deposition testimony for that witness and for any witness who becomes unavailable due to unforeseen circumstances. Plaintiffs intend to use deposition transcripts and depositions as needed and allowed for examination and cross-examination of witnesses pursuant to Federal Rule of Civil Procedure 32(a).

Plaintiffs also reserve the right to supplement or modify this witness list in response to rulings made by the Court. Plaintiffs' identification of any witness listed in Appendix A is not an admission that the witness's testimony would be admissible if proffered by Defendants.

II. EXHIBITS

Plaintiffs' Exhibit List, identifying each exhibit that Plaintiffs may offer at trial, is set forth in **Appendix B** attached.

Plaintiffs reserve the right to introduce into evidence any documents identified by Defendants in their Pre-Trial Disclosures. Plaintiffs' identification of any exhibit listed in Appendix B is not an admission that the exhibit would be admissible if proffered by Defendants (such as out of court statements that constitute inadmissible hearsay when offered by Defendants). Plaintiffs also reserve the right to modify, amend, or supplement their list of trial exhibits in Appendix B leading up to and through trial and to introduce additional documents as rebuttal or impeachment evidence, or as demonstrative exhibits (which will be identified and exchanged at a mutually agreeable time).

Dated: July 7, 2025

/s/ Jeffrey Loperfido

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all parties of record.

/s/ Jeffrey Loperfido

Jeffrey Loperfido (State Bar #52939)